

DEEP CREEK MEETING

March 2, 1992

This is a brief synopsis of the minutes of Deep Creek meeting held March 2, 1992. Bob read the minutes of the February 6, 1992 meeting and there was a discussion on them that there needed to be an addition concerning the maintenance of the weir in the Huber ditch and reinstallation if that was needed.

We moved from there to the main business of the meeting which was the voting procedures when selecting a river commissioner. We described the two different methods or proposals that we had come up with. The first being where the Deep Creek water users would vote on and recommend a commissioner and then the Mosby Irrigation would have the opportunity to accept or reject that or whatever voting method they wanted to use. If they would reject it, then they would propose a commissioner and that would go back to Deep Creek and if there was a draw or there was no agreement between the two groups, then the State Engineer would make a selection. The other proposal was that each water user entity on the system would be allowed one vote and that would include both water right holders on Deep Creek and shareholders in the Mosby Irrigation Company. There was quite a bit of discussion back and forth about these two different methods of voting. It was suggested that the Mosby Irrigation Company should have their meeting before the Deep Creek Distribution System meeting and that they would then vote in that meeting and bring a proposal to the Deep Creek water users. Raymond Murray made a motion that the first proposal be adopted by the group, Wayne Justice seconded that motion. There was some discussion on that, then before any action was taken on it, Dorothy Luck made a motion, in essence, in support of the second proposal.

Before any action was taken on either motion a discussion was brought up about the method of assessing the water users. (Prior to describing the proposals, we explained to them that we had researched all the minutes, correspondence and court orders that we could find that would assist us and could find nothing in the record of a method that was set up on how they were to vote or how the committee was to be selected.) The discussion on the assessments was started because some people indicated that one group should pay the major part of the assessments and have a very limited say in how the commissioner was to be selected. So we went back and read some minutes from the June 3, 1969, meeting and explained how the assessment system was set up but it was originally a temporary method of assessment to be revised if needed in the next year. and we noted that in searching the minutes, that we could find no revisions were ever made or discussion about the method of assessment. We indicated that this was something that could be discussed and perhaps one proposal that would be fair would be to have the assessment based totally on water use regardless of whether it was Mosby or Deep Creek irrigation water.

There seemed to be some support for that but no motion was ever taken as we decided that we had to get back and finish the business on the commissioner vote.

A question was brought up asking about proxies and there was some of the group opposed to proxies being used, but it seems that it should be a valid part of the voting system. Dorothy Luck was the only person that had proxies at the meeting, though others indicated that they had turned in proxies earlier. As we talked about who could vote at the meeting, there were seven votes that were represented there without proxies. A vote was taken for Raymond Murray's motion on the first proposal and four voted in favor of that. (Aaron Simmons, Wayne Justice, Raymond Murray and Martin Huber). There was never a dissenting vote called for, but there were three who didn't vote in favor of it or abstained, thinking they were going to vote on both the proposals. The three who didn't vote were Lanny Cook, Dave Murray and Lance Luck. Again there was a discussion on proxies and who should vote and it appeared that after more discussion, that there wasn't a very good representation of either side at the meeting and it was suggested that, instead of the voting being held by those present at the meeting, that a ballot be sent out to each of the water right holders on Deep Creek and each of the shareholders of the Mosby Irrigation Co. describing the two proposals and ask that they return the ballot with their vote as to which one they would accept or would favor.

It was also proposed by Charmin that Dean Clerico ride with her and learn the system. This seemed to have everyone's general approval. It was suggested that, perhaps he should be reimbursed for his efforts in doing that. It was suggested that this also be added to the ballot. Dave Murray moved that they table all the issues that were discussed at the meeting. There was some thought that a committee ought to be created to discuss the assessment procedures on the system, but nothing was ever done. Motion was seconded and generally agreed upon.